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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/557,530

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Gregory T. Osterhout

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EXAMINER

HOANG, THAI D

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,530

Applicant(s)

OSTERHOUT ET AL.

Examiner

Thai D Hoang

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 12/31/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-14,16-25,27-37 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-14,16-25,27-37 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.1 Claims 1, 6, 8-11, 13-14, 29 and 37 is rejected under 35 U.S.C. 102(b) as being unpatentable over Hannah, US Patent No. 5,784,581

Regarding claims 1, 6, 8-11, 14, 29 and 37, Hannah discloses an apparatus and method for operating a peripheral device as either a master device or a slave device. Hannah teaches the system comprises a plurality of devices 14s communicated through a USB hub 12 and controlled by a USB host controller 10; wherein the controller 10 converts USB protocol to another protocol used by the devices and vice versa; figures 1-3; col. 3, lines 5-8; col. 4, line 64 – col. 5, line 9 (receiving, by a system, a message from the first device to establish a communications session with the USB peripheral device, the message being according to a first protocol defining real-time interactive sessions; establishing a communications session between the first device and the system over the network; and converting, in the system, between data according to the first protocol and data according to a second protocol that defines a USB peripheral link from the system to the USB peripheral device.)

Regarding claim 13, Hannah discloses an apparatus and method for operating a peripheral device as either a master device or a slave device. Hannah teaches the

system comprises a plurality of devices 14s communicated through a USB hub 12 and controlled by a USB host controller 10; wherein the controller 10 converts USB protocol to another protocol used by the devices and vice versa; figures 1-3; col. 3, lines 5-8; col. 4, line 64 – col. 5, line 9. Furthermore, the system disclosed by Hannah obviously allows plurality of devices communicate at the same time; therefore, it could receive another message to establish a second communications session while the first communication session is active. Moreover, as well known in the art, the system inherently sends a busy indication and over riding for both calling and called telephone of a session.

1.2 Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. US Patent No. 6,453,034, hereafter referred to as Donovan.

Regarding claim 27, Donovan teaches: a network with bi-directional communication between two peripheral devices 53 and 43 such that protocol translation takes place from a first protocol (SS7, ISDN or CAS) to a second protocol (SIP) or alternately (H.323) (Col 3, lines 5-15), and bi-directional translation for the real-time voice data via a signaling gateway 63 and a media gateway 65 (Col 3, lines 25-30), with a first device EG 61 accepting the information (Col 4, lines 5-8) and the translation is controlled by a controlling configuration for translation including a signaling gateway 63, media gateway 65, signaling gateway 57, and media gateway 59 (Col 3, lines 25-32).

Regarding claim 31, Donovan teaches: the non-telephony device EG 61 is performing one or more commands (Fig. 2; Col 3, lines 50-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 18, 23-25, 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. US Patent No. 6453034, hereafter referred to as Donovan.

2.1 Regarding claims 2, 18, 23, 32-35 Donovan teaches: a network with bi-directional communication between two peripheral devices 53 and 43 such that protocol translation takes place from a first protocol (SS7 ISDN or CAS) to a second protocol (SIP) or alternately (H.323) (Col 3, lines 5-15), and bi-directional translation for the real-time voice data via a signaling gateway 63 and a media gateway 65 (Col 3, lines 25-30), with a first device EG 61 accepting the information (Col 4, lines 5-8) and the translation is controlled by a controlling configuration for translation including a signaling gateway 63, media gateway 65, signaling gateway 57, and media gateway 59 (Col 3, lines 25-32). Donovan does not disclose the peripheral link is selected from the group consisting of a USB port, a parallel port, a serial port, a Small Computer Systems Interface (SCSI) port, and a Personal Computer Memory Card International Association (PCMCIA) port. However, these ports are well known in the field of telecommunications and networks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the plurality of ports as recited in the claim into Donovan's system for economic reason, since it could be adapted with multiple devices used in networks.

Regarding claim 24, Donovan teaches: the peripheral communication device is controlled by sent commands to the peripheral device (Col 3, lines 50-60).

Regarding claim 25, Donovan teaches: 53 is a remote device and 43 is a peripheral device (Figure 2) both used for a real-time voice session establishment.

2.2 Claims 4, 16-17, 19-22, 28 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. US Patent No. 6,453,034, in view of Hannah, US Patent No. 5,784,581, hereafter referred to as Donovan and Hannah respectively.

Regarding claims 4, 28 and 36, Donovan discloses that the system translates signaling from SIP format to another format and vice versa. The system disclosed by Donovan does not convert between a SIP format and a USB format. However, Hannah discloses that the system convert to USB format from any peripheral devices protocol and vice versa; figures 1-3; col. 3, lines 5-8; col. 4, line 64 – col. 5, line 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the plurality of ports as recited in the claim into Donovan's system for economic reason, since it could be adapted with multiple peripheral devices used in networks.

Regarding claims 16-17 and 19-22, Donovan teaches: a network with bi-directional communication between two peripheral devices 53 and 43 such that protocol translation takes place from a first protocol (SS7 ISDN or CAS) to a second protocol (SIP) or alternately (H.323) (Col 3, lines 5-15), and bi-directional translation for the real-time voice data via a signaling gateway 63 and a media gateway 65 (Col 3, lines 25-30), with a first device EG 61 accepting the information (Col 4, lines 5-8) and the translation is controlled by a controlling configuration for translation including a signaling gateway

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63, media gateway 65, signaling gateway 57, and media gateway 59 (Col 3, lines 25-32). Donovan does not disclose the peripheral devices include a USB device. However, Hannah teaches this feature as cited above with respect to claim 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the plurality of ports as recited in the claim into Donovan's system for economic reason, since it could be adapted with multiple peripheral devices used in networks.

2.3 Claims 3, 7, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hannah, US Patent No. 5,784,581, in view of Donovan et al. US Patent No. 6,453,034, hereafter referred to as Hannah and Donovan respectively.

Regarding claims 3, 30 and 41, Hannah does not teach the communications session includes establishing one of a Session Initiation Protocol session and an H.323 session. However, Donovan discloses a network with bi-directional communication between two peripheral devices 53 and 43 such that protocol translation takes place from a first protocol (SS7 ISDN or CAS) to a second protocol (SIP) or alternately (H.323) (Col 3, lines 5-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the method disclosed by Donovan into Hannah's system for economic reason, since it could be adapted with SIP protocol used in networks.

Regarding claim 7, in the system disclosed by Donovan, it is inherent for a voice communication network to provide a streaming or continuous session in order for the real-time voice data to operate effectively any and all voice networks will provide streaming data and in this particular case the protocol of choice is SIP (Col 3, line 10). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the method disclosed by Donovan into Hannah's system for advantage cited above with respect to claim 3.

2.4 Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hannah, US Patent No. 5,784,581, in view of Laubach et al. US Patent No. 6,081,533, hereafter referred to as Hannah and Laubach respectively.

Regarding claim: 12 Donovan teaches: all of the above embodiments except a multicast packet receiver for multicast signaling. Laubach teaches: a voice communication packet communication network (Col 4, lines 20-26) with multicasting data packets (Col 8, lines 13-18) as an acceptable means for information reception. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a receiver with the receptive option of multicast packets to enable a different type of data acceptance useful for data network integration efforts.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 6-14, 16-25, 27-37 and 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to the application:

Russell, US Patent No. 6,584,519 discloses "Extender for Universal Serial Bus."

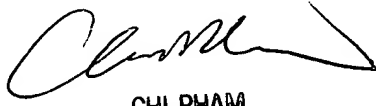
Garney et al., US Patent No. 5,890,015 disclose "Method and Apparatus for Implementing a Wireless Universal Serial Bus Host Controller by Interfacing a Universal Serial Bus Hub as a Universal Serial Bus Device."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D Hoang whose telephone number is (703) 305-3232. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai Hoang


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 *5/12/04*